

Item No. 66**TOWN OF LAUDERDALE-BY-THE-SEA****AGENDA ITEM REQUEST FORM****Development Services**

Department Submitting Request

Dept Head's Signature [Signature]

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct. 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input checked="" type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 9, 2010	Feb 26 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

**NATURE OF AGENDA ITEM**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Presentation      | <input type="checkbox"/> Resolution     | <input type="checkbox"/> New Business      |
| <input checked="" type="checkbox"/> Report | <input type="checkbox"/> Ordinance      | <input type="checkbox"/> Manager's Report  |
| <input type="checkbox"/> Consent Agenda    | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids              | <input type="checkbox"/> Old Business   | <input type="checkbox"/> Other             |

**EXPLANATION:** Development Services monthly report for November.

Town Attorney review required

☐ Yes ☒ NoTown Manager's Initials: [Signature]

## Month of November Monthly Report

	1st Week 1st- 6th	2nd Week 7th- 13th	3rd Week 14th-20th	4th Week 21st-30th		Total
Visitors	118	120	118	124		480
Informational Calls Received	247	181	264	176		868
Verbal Warnings	17	11	8	0		36
Notices of Violation	23	12	7	3		45
Citations Issued	2	0	0	1		3
Special Master Cases	0	0	18	0		18
Complaints Investigated	13	9	7	5		34
Re-inspections conducted	33	39	30	26		128
Lien Searches	5	3	3	1		12
Courtesy Notices Issued	0	0	22	3		25
Courtesy Letters Issued	0	0	0	0		0
New Business research	1	1	1	0		3
Public Records Requests	0	0	0	3		3
Business Tax Lic.	1	4	1	1		7
Special Event App Reviews	2	0	0	3		5
Fire - Permit Inspections	0	0	0	0		10
Fire - Apps + Resubmittals	0	0	0	0		6
Final Zoning Inspections	6	8	5	1		20
Zoning Reviews	17	23	15	14		69
Building Permits Issued	6	5	9	6		26

### Projects and Accomplishments

Notices of Violations Issued:

Number	Location	Type
1	( 1 ) Violation(s)	No permits - Plumbing
2	( 2 ) Violation(s)	No permits - Structural
3	( 1 ) Violation(s)	Inoperable Vehicle
4	( 4 ) Violation(s)	Real Estate Sign
5	( 1 ) Violation(s)	Obstruction of R.O.W
6	( 1 ) Violation(s)	Parking Unapproved Surface Violation
7	( 1 ) Violation(s)	No Permits - Electric
8	( 2 ) Violation(s)	Trash / Debris
9	( 2 ) Violation(s)	Landscape Debris
10	( 1 ) Violation(s)	No trash service
11	( 2 ) Violation(s)	Dead Flora on Property
12	( 9 ) Violation(s)	Illegally placed trash Container
13	( 1 ) Violation(s)	No Business Tax License
14	( 2 ) Violation(s)	Overgrown Vegetation
15	( 4 ) Violation(s)	Missing Address Numbers
16	( 7 ) Violation(s)	Construction Site Maintenance
17	( 2 ) Violation(s)	Dumpster Enclosure
18	( 1 ) Violation(s)	Commercial Vehicle Violation
19	( 2 ) Violation(s)	Vehicle No Tag

- 1) Staff washed vehicles and performed maintenance checks.
- 2) Staff performs weekly maintenance checks on the Citizen Services and Business Tax programs.
- 3) Staff performs morning and afternoon routine patrols. These are conducted to monitor activities, such as: construction sites, unlicensed contractors, noise ordinance violations, beach furniture, and illegal signage.
- 4) Staff entered daily data into the Citizen Services (Code Enforcement) program.
- 5) Staff enters daily data into the Business Tax Receipt program.

- 6) Staff returned telephone calls and completed paperwork daily.
- 7) Staff completed the monthly report for October.
- 8) Staff routinely checks all portals, the beach, and pavilion for any violations. (I.e. boats or dogs on the beach, fishing from the beach, soliciting, littering, and alcohol on the beach.)
- 9) Staff continues to monitor and inspect all sidewalk cafés. No violations were noted.
- 10) Staff removed six ( 6 ) illegal sign's throughout Town.
- 11) Staff reviewed and provided comments for five ( 5 ) special events applications
- 12) Staff inspected and issued seven ( 7 ) permits for approved Special Events.
- 13) Staff reviewed, approved, processed and inspected seven ( 7 ) Business Tax Receipt applications.
- 14) Staff researched several properties to provide zoning permitting information for possibilities of new businesses.
- 15) Staff greeted all walk-ins to determine nature of business and type of customer service needed.
- 16) Staff reviewed Code Hearing minutes from October and completed a November Code Hearing agenda. Staff attended the November Code Enforcement Hearing; Staff performed pre / post hearing inspections; Staff prepared and presented Eighteen (18) cases; Staff prepared; processed; transcribed; reviewed; drafted and proofread the Eighteen (18) final orders and minutes. Staff entered the Final orders into the C.S. Program and sent certified mailing for the approved and signed final orders. Staff prepared Five (5) cases; reviewed the agenda and processed hearing notices for the upcoming December Code Enforcement hearings
- 17) Staff processed incoming Business Tax Receipt payments.
- 18) Staff processed all incoming mail and correspondence.
- 19) Staff processed department invoices.
- 20) Staff attended a meeting for Town employees regarding benefits.
- 21) Staff processed and approved five ( 5 ) garage sale permits.
- 22) Staff processed, inspected and approved three ( 3 ) tree removal / relocation permit.
- 23) Staff processed delinquent notices and mailing for unpaid Business License 2009-2010 renewals.
- 24) Staff processed three ( 3 ) Construction Time Extension approval letters for properties in Town.
- 25) Staff processed a request for flood zone determination on a property.
- 26) Staff processed, inspected and approved one ( 1 ) Temporary Sign permit.
- 27) Staff attended a bike certification class.
- 28) Staff processed a R.O.W application and assigned it a permit number.

- 29) Staff contacted a business owner regarding a NSF check and had it replaced with cash.
- 30) Staff attended a meeting with a building owner and store manager to discuss requirements of a new store.
- 31) Staff updated all code office spreadsheets and liens lists.
- 32) Staff performed five ( 5 ) hardship parking permit inspections.
- 33) Staff dropped off a vacation rental application packet for a resident.
- 34) Staff reviewed and approved a special event extension of premise alcohol permit for a business in Town.
- 35) Staff received a response from the County Building Official in regards to washers and dryers in Condos. Response was mailed to resident.
- 36) Staff reviewed open cases and liens with a property owner.
- 37) Staff met with a business owner to discuss 2 complied cases and the mitigation of fines.
- 38) Staff researched State and County records to verify the inactivation of a business. Business inactivated and case complied.
- 39) Staff researched the history and fine amounts owed on a property for a realtor. Explained mitigation was not an option due to the recording of liens.
- 40) Staff inspected 2 properties for possible density violations and to verify amount of units. No violations were found, Business Tax amount is correct.
- 41) Staff met with a property manager who inquired about several code issues. ( overgrowth, unregistered vehicles, bike rack and maintenance of property ). A verbal warning and courtesy notice was issued for bike racks and maintenance of property. Reviewed code sections on overgrowth and unregistered vehicles.
- 42) Staff advised two ( 2 ) business's of paperwork needed for Business Tax file.
- 43) Staff had a telephone conference with an owner and Choice Services regarding suspended trash service. Requirements were explained and service was reinstated. Closed case.
- 44) Staff issued a verbal warning to a contractor for not obtaining a permit for an a/c change out. Contractor obtained permit and case complied.
- 45) Staff inspected a business to verify if food was being served. No food was being served however, a verbal warning was given for a sign obstructing the sidewalk. Sign was removed.
- 46) Staff contacted and / or met with the last fifteen ( 15 ) property owners not in compliance regarding their sewer hook ups and advised them the fines had begun accruing.
- 47) Staff issued a verbal warning to a business for an illegal banner sign. Sign was removed.
- 48) Staff recorded five ( 5 ) approved liens from September with Broward County.
- 49) Staff researched and reviewed permits to determine if compliance had been met at an office. Staff met with the County Building Official to review open violations.
- 50) Staff issued a verbal warning for a real estate sign that was to high. Owner replaced sign.
- 51) Staff issued a verbal warning for dead flora left on the R.O.W
- 52) Staff completed extension letters and mailed them out for construction sites that the Commission approved.
- 53) Staff delivered information to Planning and Zoning board members.
- 54) Staff contacted thirteen ( 13 ) owners with open violations and fines to try to gain compliance and offered

assistance if possible. Cases were updated.

55) Staff red tagged a vehicle parked in a vacant lot. Owner was advised and moved the vehicle.

56) Staff advised a bank of open cases and violations on three ( 3 ) of its properties. Bank is working to abate violations. Staff advised them of fine amounts and mitigation process.

57) Staff advised a property owner of accruing fines and lien for an open code case.

Staff stressed the urgency of gaining compliance so fines could be stopped.

58) Staff spoke to seven ( 7 ) residents on a weekly basis who owe administrative fees from old cases. Five ( 5 ) have paid and complied.

59) Staff issued a verbal warning to a business owner for having storage in their parking lot. Storage was removed.

60) Staff researched bank and owner information on a property with violations and liens. Staff advised the bank of violations and fines. Bank has abated violations for the owner.

61) Staff researched active County and State business license's for an office in Town. Office closed and moved before Notices of Violation could be issued for operating a business with-out a BTR.

62) Completed a draft of an application for sidewalk encroachments

63) Staff had staff meetings.

64) Researched information and provided information to a business owner who wants to extend an entrance canopy over the right-of-way.

65) Staff worked on and completed the 2010 Decennial Census Local Update of Census Addresses (LUCA).

66) Staff worked on code revisions and amendments.

67) Staff met with Kim (from SunTrust Bank) to discuss adding seating to a business location.

68) Staff met with representatives of a restaurant wanting to add outside seating along the intercoastal.

69) Staff investigated complaints for:

Greasy water being washed onto another property, a dumpster without a walkway and work being done with out permits. No violations found. No work was being performed. No greasy water in the area and a walkway is not required for a dumpster.

Work without a permit. No permit needed to replace a section of wood fence.

A resident fishing on the beach during restricted hours. Complaint unfounded. Complainant gave wrong address. Correct address was given and staff responded. Staff advised of the permitted fishing hours, verified his fishing license was valid and escorted him off the beach.

A refrigerator left on the R.O.W. Complaint forwarded to Public Works and was removed.

Residents leaving their trash containers in view after pick up. Notices of Violation were issued to all property owners on the block and all containers were removed from view.

Several properties without room to place their trash containers. Staff inspected the properties and found space for all containers. Residents were advised of the options.

A vending machine left in a driveway. A verbal warning was issued to the owner and removed.

A bathroom and patio remodel without permits. A verbal warning was issued and the owner. Permits have been obtained. Case is currently being monitored for permit to be finalized.

A fence put up without a permit. A Notice of Violation was issued and the owner was advised. The case is being monitored for compliance.

The remodeling of a residence without permits. Investigation found an unlicensed contractor doing work without permits. Two ( 2 ) citations were issued to the contractor and work was stopped. A Notice of Violation was issued to the owner. The citations were paid and the owner has applied for permits. The case is being monitored for permit to be finalized.

A business installing a sign without permits. A permit was obtained and posted at the property. Complaint was unfounded.

Suspended trash service at a business. A Notice of Violation was issued to the Manager. Trash service was reinstated and case complied.

A paddle boat docked on the Town's seawall. A red tag was placed on the boat. It was untied from the seawall.

Work without permits in a condo. The owner was advised and issued two ( 2 ) Notices of Violation. The contractor's license and insurance was verified. Case being monitored for permit.

A residence with an unregistered vehicle and debris. Inspected property and posted two ( 2 ) Notices of Violation for the vehicle. The debris complaint was unfounded. Vehicle was removed and the cases complied.

A resident renting an apartment without a Business Tax Receipt. The owner was advised and issued a Notice of Violation. The apartment is not being rented. Case complied.

Noise from trash service, street cleaning and ambulance before 8 A.M. Forwarded complaints to correct departments and advised Choice Services of start time.

Debris, noise and illegal parking at a rental. Advised complainant the case for debris had been complied. Also advised to call Parking Enforcement for parking issues and BSO for noise issues after hours.

A dog owner not cleaning up after thier dog. Advised owner and issued a verbal warning.

A construction site not being maintained. Issued a verbal warning and eight ( 8 ) Notices of Violation for the site not being maintained. Met with contractor to review violations. Six ( 6 ) Violations have complied. Monitoring property and remaining cases.

Work being done at several residences without permits. Staff inspected the area, the complaint was unfounded.

Pool equipment too loud. Inspected area and noise did not exceed approved levels. Complaint unfounded.

A docked vessel doing work and repairs. Advised complainant, boat and property owners of code and what is permitted. Complaint unfounded. Monitoring vessel for repairs.

A shed placed within the setback. Issued a verbal warning to the property manager and a Notice of Violation to the Condo board. Met with condo board to discuss compliance options.

Drainage not being contained on the property. Issued a verbal warning to the property owner. Drain was redirected and the case complied.

Trash containers left in view after pickup. Issued a courtesy notice to owners and advised. Trash cans removed and cases complied.

Owners living in a business office. Inspected office and advised owners of complaint. Complaint unfounded.

Trash and debris piling up behind a business. Trash service was active and trash was removed. Complaint unfounded.

Overgrown bamboo. Issued a verbal warning to the owner. Bamboo was cut and case complied.

An illegally parked tractor trailer. Red tagged the vehicle. Vehicle was removed.



A commercial real estate sign exceeding the size limits. No violation found.

Dead flora left on swale of two properties. Issued courtesy notices and advised the owners. Debris removed and cases complied.

A boat stored on the property. Address not located in Town. Unable to contact complainant to advise.

Work being done without a permit. Inspected residence and work was permitted. Complaint unfounded.

Work being done without a permit. Inspected office and permit was posted in window. Complaint unfounded.

**Code Enforcement Liens to be recorded:**

4 @ 4521 Ocean Drive - \$31550.00 Case # 09-KP-00470, 09-KP-00468, 09-KP-00467, 09-KP-00466

2 @ 235 Codrington Drive - \$10300.00 Case # 09-KP-00659, 09-KP-00658

5 @ 4609 Ocean Drive - \$38250.00 Case # 09-KP-00224, 09-KP-00226, 09-KP-00227, 09-KP-00623, 09-KP-00624

1480 S. Ocean Drive - \$12100.00 Case # 09-KM-00039

Final Orders and Certification of Liens attached.

**Minor Site Plan Modification Approvals:**

## **LIENS TO BE RECORDED**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00470**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

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**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Deteriorated / Faded Pole Sign. Repair or Replace Sign      CODE SECTION: 6 – 37 ( 1 ) a

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4521 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2520

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on April 25, 2009 with a compliance date of May 25, 2009. Officer Parker presented photos that were taken of the property on May 27, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 37 (1) a.**

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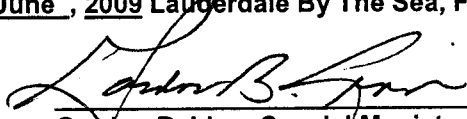
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN SIXTY ( 60 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE SIXTY ( 60 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE. IF THE RESPONDENT DECIDES TO REPLACE THE SIGN, THE SPECIAL MAGISTRATE ADVISED THE RESPONDENT TO CONTACT THE CODE COMPLIANCE OFFICER TO REQUEST AN EXTENSION OF TIME TO ALLOW FOR THE COMPLETION OF THE PERMITTING PROCESS.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

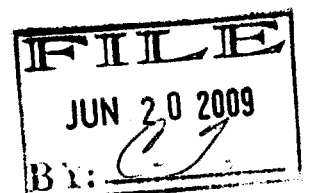
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Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00470**

**Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on June 17, 2009 and Respondent did appear at the hearing. A Notice of Violation was issued on April 25, 2009 with a correction date of May 25, 2009 and compliance was not gained within the specified timeframe. The Special Magistrate ordered the Respondent sixty (60) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred (\$100.00) per day for the period of non-compliance and also imposed a One Hundred Fifty (\$150.00) Dollar Administrative Fee.

The property located at 4521 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2520, legally described as:  
Lauderdale-By-The-Sea 6-2 B LOT 27 BLK 24

has not been brought into compliance and the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still owed and the daily fine of One Hundred (\$100.00) Dollars began to accrue on August 16, 2009 and continues to accrue until compliance is gained. Final Order was mailed June 22, 2009 and eventually returned "Unclaimed". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and eventually returned "Unclaimed". Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:


1. The Order of June 17, 2009 required the Respondent to bring the property into compliance sixty-five (60) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred (\$100.00) Dollars continues to accrue as of August 16, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the

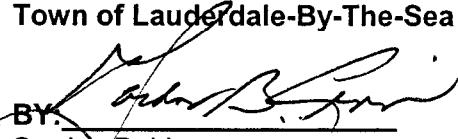
daily fine of One Hundred (\$100.00) Dollars has accrued for ninety-five (95) days to a total of Nine Thousand Five Hundred (\$9,500.00) Dollars and continues to accrue and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still due. Therefore, Special Magistrate certifies fines for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars that is due and owing.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**  
BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00468**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

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**\*AMENDED\* FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Broken/Missing Windows an/or Doors

CODE SECTION: 6 – 36 ( 1 ) A

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4521 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2520

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on April 25, 2009 with a compliance date of May 25, 2009. Officer Parker presented photos that were taken of the property on May 27, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 36 (1) A.**

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IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN SIXTY ( 60 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. SINCE THE SPECIAL MAGISTRATE CONSIDERED THIS A MORE SERIOUS HEALTH/SAFETY ISSUE, A PENALTY OF \$200.00 PER DAY WOULD BE ASSESSED FOR FAILURE TO ABATE THE VIOLATION WITHIN THE SPECIFIED TIMEFRAME UNTIL COMPLIANCE IS GAINED. THE SPECIAL MAGISTRATE STATED THAT IF NO EVIDENCE HAS BEEN MADE TO CORRECT THE WINDOWS, A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE WOULD ALSO BE IMPOSED.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.



Gordon B. Linn, Special Magistrate

ATTEST:

\_\_\_\_\_  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

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Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308

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**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00468**

**Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /

The above referenced case was heard on June 17, 2009 and Respondent did appear at the hearing. A Notice of Violation was issued on April 25, 2009 with a correction date of May 25, 2009 and compliance was not gained within the specified timeframe. The Special Magistrate ordered the Respondent forty-five (45) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred (\$100.00) per day for the period of non-compliance and also imposed a One Hundred Fifty (\$150.00) Dollar Administrative Fee.

The property located at 4521 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2520, legally described as:  
Lauderdale-By-The-Sea 6-2 B LOT 27 BLK 24

has not been brought into compliance and the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still owed and the daily fine of One Hundred (\$100.00) Dollars began to accrue on August 3, 2009 and continues to accrue until compliance is gained. Final Order was mailed June 22, 2009 and eventually returned "Unclaimed". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and eventually returned "Unclaimed". Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:


1. The Order of June 17, 2009 required the Respondent to bring the property into compliance forty-five (45) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred (\$100.00) Dollars continues to accrue as of August 3, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the

daily fine of One Hundred (\$100.00) Dollars has accrued for one hundred eight (108) days to a total of Ten Thousand Eight Hundred (\$10,800.00) Dollars and continues to accrue and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still due. Therefore, Special Magistrate certifies fines for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars that is due and owing.

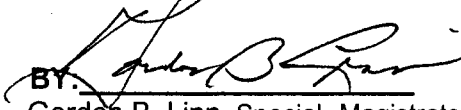
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00467**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Peeling/Chipped Paint. Building needs to be painted CODE SECTION: 6 – 37 ( 1 ) b

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4521 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2520

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on April 25, 2009 with a compliance date of May 25, 2009. Officer Parker presented photos that were taken of the property on June 17, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

---

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 37 (1) b.**

---

Respondent: Mr. Robert Bell  
CASE NUMBER: 09-KP-00467

IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN FORTY-FIVE ( 45 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE FORTY-FIVE ( 45 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE WAIVED THE ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

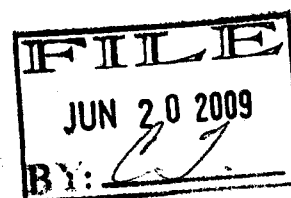
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Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00467**

**Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /

The above referenced case was heard on June 17, 2009 and Respondent did appear at the hearing. A Notice of Violation was issued on April 25, 2009 with a correction date of May 25, 2009 and compliance was not gained within the specified timeframe. The Special Magistrate ordered the Respondent forty-five (45) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred (\$100.00) per day for the period of non-compliance.

The property located at 4521 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2520, legally described as:  
Lauderdale-By-The-Sea 6-2 B LOT 27 BLK 24

has not been brought into compliance and the daily fine of One Hundred (\$100.00) Dollars began to accrue on August 3, 2009 and continues to accrue until compliance is gained. Final Order was mailed June 22, 2009 and eventually returned "Unclaimed". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and eventually returned "Unclaimed". Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to bring the property into compliance forty-five (45) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars..
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred (\$100.00) Dollars continues to accrue as of August 3, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the daily fine of One Hundred (\$100.00) Dollars has accrued for one hundred eight days (108) to a total of Ten Thousand Eight Hundred (\$10,800.00) Dollars and continues to accrue. Therefore, Special Magistrate certifies

finest for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue until compliance is gained.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY: Colleen Tyrrell  
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY: Gordon B. Linn  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00466**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Repair/Replace all broken and/or missing gutters. CODE SECTION: 6 – 36 ( 1 ) b

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4521 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2520

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on April 25, 2009 with a compliance date of May 25, 2009. Officer Parker presented photos that were taken of the property on May 27, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

---

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 36 (1) b.**

Respondent: Mr. Robert Bell  
CASE NUMBER: 09-KP-00466

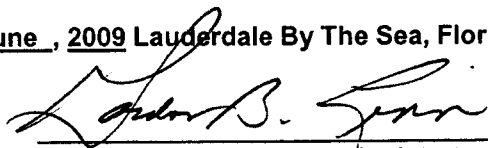
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.


THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY (30 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED AN ADMINISTRATIVE FEE OF ONE HUNDRED FIFTY (\$150.00) DOLLARS.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

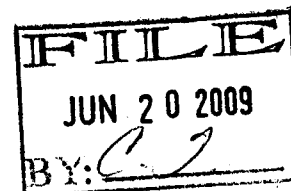
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Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308





**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00466**

**Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on June 17, 2009. Compliance was gained within the timeframe specified by the Final Order and Respondent Robert Bell did appear at the hearing. Special Magistrate ordered an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4512 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2520, was brought into compliance, however, the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still owed. Final Order was mailed June 22, 2009 and a signed return receipt was not received. On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and a signed return receipt was not received. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

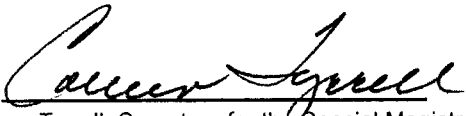
1. The Order of June 17, 2009 required the Respondent to pay an Administrative Fee of One Hundred Fifty (\$150.00) Dollars which was not paid in the specified timeframe.
2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the existing Administrative Fee of One Hundred Fifty (\$150.00) Dollars.
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on

which the violation(s) exist, and upon any other real or personal property owned by Respondent.

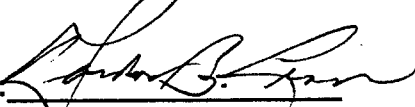
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00224**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

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**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Building Maintenance / Remove Dilapidated Pole Sign.

CODE SECTION: 6 – 41.

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4609 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2780

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on March 20, 2009 with a compliance date of April 2, 2009. Officer Parker presented a photo that was taken of the property on June 3, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell, president and owner of the corporation, was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

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**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 41.**

Respondent: Landmark Luxury Homes Inc c/o Mr. Robert Bell  
CASE NUMBER: 09-KP-00224

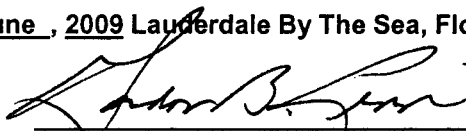
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN SIXTY ( 60 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE SIXTY ( 60 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE.


THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.



Gordon B. Linn, Special Magistrate

ATTEST:



Colleen Tyrrell, Secretary for the Special Magistrate

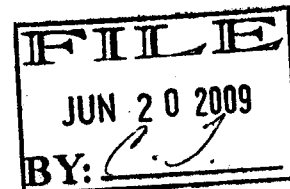
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00224**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

---

The above referenced case was heard on June 17, 2009. Compliance was gained on November 6, 2009 and Respondent did appear at the hearing. Special Magistrate ordered the Respondent 60 days to bring the violation into compliance and assessed a fine of One Hundred (\$100.00) Dollars per day for the period of non-compliance and also imposed an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4609 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2780, was brought into compliance on November 6, 2009, however, the fine of One Hundred (\$100.00) Dollars that accrued for fifty-one (51) days for the period of non-compliance and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars are still owed. Final Order was mailed June 22, 2009 and the return receipt was returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and the return receipt was returned "Unable to Forward". Respondent was not present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to pay a fine of One Hundred (\$100.00) Dollars per day if compliance was not gained by August 17, 2009.

---

2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the fine of One Hundred (\$100.00) Dollars per day that accrued for fifty-one (51) days for the period of non-compliance that totals Five Thousand One Hundred (\$5,100.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the fine totaling Five Thousand One Hundred (\$ 5,100.00 ) Dollars for the fifty-one (51) days of non-

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compliance plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. . Total amount owed is Five Thousand Two Fifty Hundred (\$ 5,250.00 ) Dollars.


3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:

  
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:

  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Respondent: **Landmark Luxury Homes / ROBERT BELL.**

Page 2 of 2

Case # **09-KP-00224**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00226**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Building Maintenance / Improperly installed, un-secured window A/C wall units.  
CODE SECTION: 6 – 41.

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4605 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2780

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on March 20, 2009 with a compliance date of April 2, 2009. Officer Parker presented photos that were taken of the property on June 3, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell, president and owner of the corporation, was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

---

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 41.**

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Respondent: Landmark Luxury Homes Inc c/o Mr. Robert Bell  
CASE NUMBER: 09-KP-00226

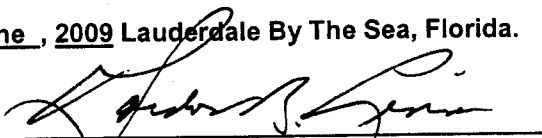
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

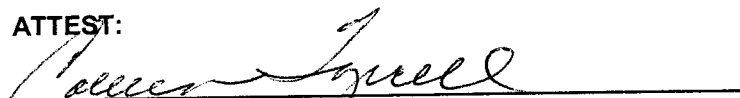
THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN NINETY ( 90 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE NINETY ( 90 ) DAY TIMEFRAME, A TWO HUNDRED (\$200.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

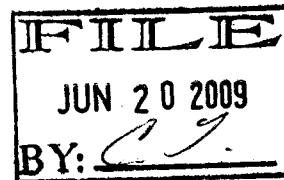
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308





**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00226**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on June 17, 2009. Compliance was gained on November 2, 2009 and Respondent did appear at the hearing. Special Magistrate ordered the Respondent ninety (90) days to bring the violation into compliance and assessed a fine of Two Hundred (\$200.00) Dollars per day for the period of non-compliance and also imposed an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4605 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2780, was brought into compliance on November 2, 2009, however, the fine of Two Hundred (\$200.00) Dollars that accrued for forty-seven (47) days for the period of non-compliance and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars are still owed. Final Order was mailed June 22, 2009 and the return receipt was returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and the return receipt was returned "Unable to Forward". Respondent was not present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to pay a fine of Two Hundred (\$200.00) Dollars per day if compliance was not gained by September 17, 2009 and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the fine of Two Hundred (\$200.00) Dollars per day that accrued for forty-seven (47) days for the period of non-compliance that totals Nine Thousand Four Hundred (\$9,400.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the fine totaling Nine

Thousand Four Hundred (\$ 9,400.00 ) Dollars for the forty-seven (47) days of non-compliance plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Total amount owed is Nine Thousand Five Hundred Fifty (\$ 9,550.00 ) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY: Colleen Tyrrell  
Colleen Tyrrell, Secretary for the Special Magistrate

Special Magistrate of the  
Town of Lauderdale-By-The-Sea

BY: Gordon B. Linn  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Fine begun 9-17-09  
at 200\$ a day + 150\$ fee  
47 days non compliance  
 $200 \times 47 = 9400\$$   
admin fee 150  
9550\$ owe

PD  
11/2/09

Respondent: **Landmark Luxury Homes / ROBERT BELL.**

Page 2 of 2

Case # **09-KP-00226**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00227**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Building Maintenance / Repair or Replace broken/missing windows & Screens.  
CODE SECTION: 6 – 41.

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4605-4609 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2780

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on March 20, 2009 with a compliance date of April 2, 2009. Officer Parker presented photos that were taken of the property on June 3, 2009 and the inspection on the day of the hearing indicated non-compliance. Officer Parker stated that the broken/missing windows presented a health and safety issue. Respondent Robert Bell, president and owner of the corporation, was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

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**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 41.**

Respondent: Landmark Luxury Homes Inc c/o Mr. Robert Bell  
CASE NUMBER: 09-KP-00227

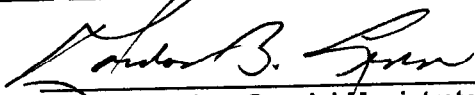
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.


THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN NINETY ( 90 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE NINETY ( 90 ) DAY TIMEFRAME, A TWO HUNDRED (\$200.00) DOLLAR FINE PER DAY WOULD COMMENCE DUE TO THE HEALTH AND SAFETY ISSUE ASSOCIATED WITH THE VIOLATION. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

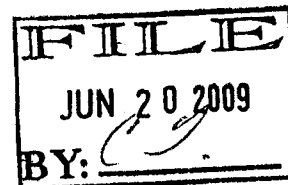
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00227**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on June 17, 2009. Compliance was gained on November 2, 2009 and Respondent did appear at the hearing. Special Magistrate ordered the Respondent ninety (90) days to bring the violation into compliance and assessed a fine of Two Hundred (\$200.00) Dollars per day due to the health and safety issue for the period of non-compliance and also imposed an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4605-4609 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2780, was brought into compliance on November 2, 2009, however, the fine of Two Hundred (\$200.00) Dollars that accrued for forty-seven (47) days for the period of non-compliance and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars are still owed. Final Order was mailed June 22, 2009 and the return receipt was returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and the return receipt was returned "Unable to Forward". Respondent was not present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to pay a fine of Two Hundred (\$200.00) Dollars per day if compliance was not gained by September 17, 2009 plus an Administrative Fee of One Hundred Fifty (\$150.00).

2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the fine of Two Hundred (\$200.00) Dollars per day that accrued for forty-seven (47) days for the period of non-compliance that totals Nine Thousand Four Hundred (\$9,400.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the fine totaling Nine


Thousand Four Hundred (\$ 9,400.00 ) Dollars for the forty-seven (47) days of non-compliance plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Total amount owed is Nine Thousand Five Hundred Fifty (\$ 9,550.00 ) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

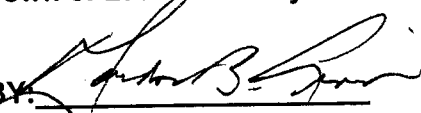
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Respondent: **Landmark Luxury Homes / ROBERT BELL.**

Page 2 of 2

Case # **09-KP-00227**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00623**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on June 17, 2009. Compliance was not gained and Respondent did appear at the hearing. Special Magistrate ordered the Respondent ninety (90) days to bring the violation into compliance and assessed a fine of Two Hundred (\$200.00) Dollars per day due to the health and safety issue for the period of non-compliance and also imposed an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4605 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2780, was not brought into compliance and the daily fine of Two Hundred (\$200.00) Dollars began to accrue on September 17, 2009 and continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars are still owed. Final Order was mailed June 22, 2009 and the return receipt was returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and the return receipt was returned "Unable to Forward". Respondent was not present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to pay a fine of Two Hundred (\$200.00) Dollars per day if compliance was not gained by September 17, 2009 plus an Administrative Fee of One Hundred Fifty (\$150.00).
2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the fine of Two Hundred (\$200.00) Dollars per day that continues to accrue as of September 17, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the daily fine of Two Hundred (\$200.00)

has accrued for sixty-three (63) days to a total of Twelve Thousand Six Hundred (\$12,600) and continues to accrue plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars that is still due and owing. Therefore, the Special Magistrate imposes and certifies fines for the daily fine of Two Hundred (\$200.00) Dollars that continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) that is still due and owing.

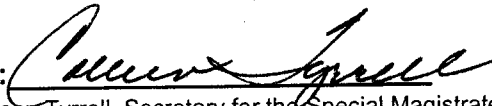
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

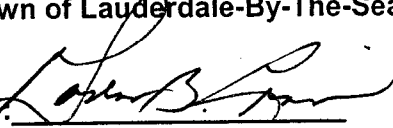
ATTEST:

BY:

  
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:

  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Respondent: **Landmark Luxury Homes / ROBERT BELL.**

Page 2 of 2

Case # **09-KP-00623**



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00623**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): All railings must be secured. Replace all broken railings. CODE SECTION: 6 – 36 (2).

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4605 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2780

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on May 15, 2009 with a compliance date of June 1, 2009. Officer Parker presented photos that were taken of the property on June 17, 2009 and the inspection on the day of the hearing indicated non-compliance. Officer Parker stated that the broken railings on the second story presented a health and safety issue. Respondent Robert Bell, president and owner of the corporation, was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

---

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 36 ( 2 ).**

Respondent: Landmark Luxury Homes Inc c/o Mr. Robert Bell  
CASE NUMBER: 09-KP-00623

Page 2.

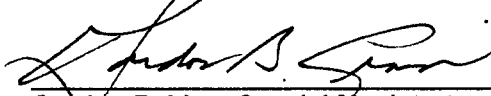
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.


THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN NINETY ( 90 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE NINETY ( 90 ) DAY TIMEFRAME, A TWO HUNDRED (\$200.00) DOLLAR FINE PER DAY WOULD COMMENCE DUE TO THE HEALTH AND SAFETY ISSUE ASSOCIATED WITH THE VIOLATION. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

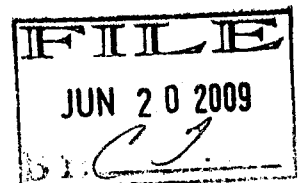
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00624**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: June 17, 2009

VIOLATION(S): Repair hanging flood light on middle building. CODE SECTION: 6 – 36 (4).

An Administrative hearing was held before the Special Magistrate on June 17, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**4605 Ocean Drive, Lauderdale-By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-01-2780

At the hearing held on this matter on June 17, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on May 15, 2009 with a compliance date of June 1, 2009. Officer Parker presented a photo that was taken of the property on June 17, 2009 and the inspection on the day of the hearing indicated non-compliance. Respondent Robert Bell, president and owner of the corporation, was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

---

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6 – 36 ( 4 ).**

Respondent: Landmark Luxury Homes Inc c/o Mr. Robert Bell  
CASE NUMBER: 09-KP-00624

Page 2.

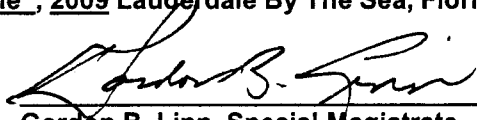
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN TEN ( 10 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE TEN ( 10 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY ( \$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of June, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

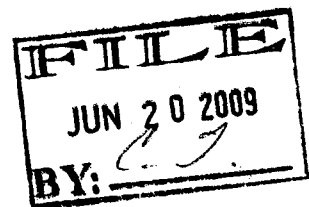
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00624**

**Landmark Luxury Homes, Inc.  
Attn: Mr. Robert K. Bell  
2164 NE 25<sup>th</sup> Street  
Wilton Manors, FL 33305**

**Respondent(s).**

\_\_\_\_\_ /

The above referenced case was heard on June 17, 2009. Compliance was gained on July 9, 2009 and Respondent did appear at the hearing. Special Magistrate ordered the Respondent ten (10) days to bring the violation into compliance and assessed a fine of One Hundred (\$100.00) Dollars per day for the period of non-compliance and also imposed an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 4605 Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-01-2780, was brought into compliance on July 9, 2009, however, the fine of One Hundred (\$100.00) Dollars that accrued for ten (10) days for the period of non-compliance and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars are still owed. Final Order was mailed June 22, 2009 and the return receipt was returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and the return receipt was returned "Unable to Forward". Respondent was not present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 17, 2009 required the Respondent to pay a fine of One Hundred (\$100.00) Dollars per day if compliance was not gained by June 29, 2009 plus an Administrative Fee of One Hundred Fifty (\$150.00).

2. The Respondent has continued to violate the Order of June 17, 2009 by not paying the fine of One Hundred (\$100.00) Dollars per day that accrued for ten (10) days for the period of non-compliance that totals One Thousand (\$1,000.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the fine totaling One Thousand (\$1,000.00) Dollars for the ten (10) days of non-compliance plus an Administrative Fee

of One Hundred Fifty (\$150.00) Dollars. Total amount owed is One Thousand One Hundred Fifty (\$ 1,150.00 ) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY: Colleen Tyrrell  
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY: Gordon B. Linn  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Respondent: **Landmark Luxury Homes / ROBERT BELL.**

Page 2 of 2

Case # **09-KP-00624**

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00659**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Jean-Louis Ramses  
1637 NE 3rd Avenue  
Fort Lauderdale, FL 33306**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: September 16, 2009

VIOLATION(S): Placement of trash container – must be hidden from view. CODE SECTION: 10-28(e)

An Administrative hearing was held before the Special Magistrate on September 16, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**235 Codrington Drive, Lauderdale By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-04-0460

At the hearing held on this matter on September 16, 2009 the Petitioner Town presented testimony by Code Compliance Officer Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams cited the property on May 27, 2009 with a compliance date of June 7, 2009. Officer Williams said that the property owner had not contacted her and that the property was still not in compliance. The Respondent was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

---

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 10-28 (e).**

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IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN FIFTEEN ( 15 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE FIFTEEN ( 15 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED FIFTY ( \$150.00 ) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 16<sup>TH</sup> day of September, 2009 Lauderdale By The Sea, Florida.



Gordon B. Linn, Special Magistrate

ATTEST:



Colleen Tyrrell, Secretary for the Special Magistrate

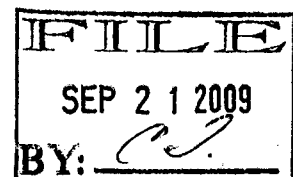
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308





**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00659**

**Jean-Louis Ramses  
1637 NE 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33306**

**Respondent(s).**

\_\_\_\_\_ /

The above referenced case was heard on September 16, 2009 and Respondent did not appear at the hearing. A Notice of Violation was issued on May 27, 2009 with a correction date of June 7, 2009 and compliance was not gained within the specified timeframe. The Special Magistrate ordered the Respondent fifteen (15) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred (\$100.00) per day for the period of non-compliance and also imposed a One Hundred Fifty (\$150.00) Administrative Fee.

The property located at 235 Codrington Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-04-0460, legally described as:

Lauderdale Surf & Yacht Estates 22-46 B LOT 5 BLK 2

has not been brought into compliance and the daily fine of One Hundred (\$100.00) Dollars began to accrue on October 1, 2009 and continues to accrue until compliance is gained. Final Order was mailed September 21, 2009 and eventually returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and eventually returned "Unable to Forward". Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

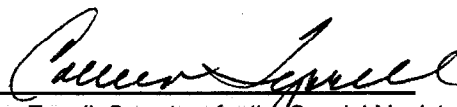
1. The Order of September 16, 2009 required the Respondent to bring the property into compliance fifteen (15) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars and an Administrative Fee of One Hundred Fifty (\$150.00) was also imposed.
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred (\$100.00) Dollars continues to accrue as of October 1, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the daily fine of One Hundred (\$100.00) Dollars has accrued for forty-nine (49)

days to a total of Four Thousand Nine Hundred (\$4,900.00) Dollars and continues to accrue and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still due and owing. Therefore, Special Magistrate certifies fines for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars that is still due and owing.

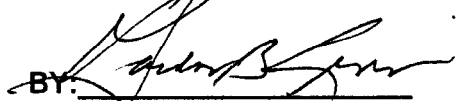
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KP-00658**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**Jean-Louis Ramses  
1637 NE 3rd Avenue  
Fort Lauderdale, FL 33306**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: September 16, 2009

VIOLATION(S): Dead Foilage

CODE SECTION: 6-41

An Administrative hearing was held before the Special Magistrate on September 16, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**235 Codrington Drive, Lauderdale By-The-Sea, FL 33308** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9318-04-0460

At the hearing held on this matter on September 16, 2009 the Petitioner Town presented testimony by Code Compliance Officer Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams cited the property on May 27, 2009 with a compliance date of June 7, 2009. Officer Williams said that the property owner had not contacted her and that the property was still not in compliance. The Respondent was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

---

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6-41.**

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Respondent: Jean-Louis Ramses  
CASE NUMBER: 09-KP-00658

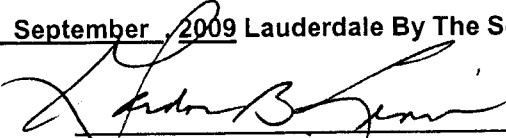
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.


THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY ( 30 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A ONE HUNDRED-FIFTY (\$150.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED FIFTY ( \$150.00 ) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 16<sup>TH</sup> day of September, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

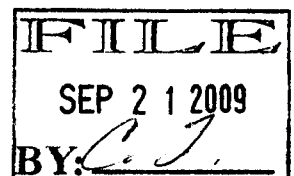
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Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KP-00658**

**Jean-Louis Ramses  
1637 NE 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33306**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on September 16, 2009 and Respondent did not appear at the hearing. A Notice of Violation was issued on May 27, 2009 with a correction date of June 7, 2009 and compliance was not gained within the specified timeframe. The Special Magistrate ordered the Respondent thirty (30) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred Fifty (\$150.00) per day for the period of non-compliance and also imposed a One Hundred Fifty (\$150.00) Administrative Fee.

The property located at 235 Codrington Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9318-04-0460, legally described as:  
Lauderdale Surf & Yacht Estates 22-46 B LOT 5 BLK 2

has not been brought into compliance and the daily fine of One Hundred Fifty (\$150.00) Dollars began to accrue on October 16, 2009 and continues to accrue until compliance is gained. Final Order was mailed September 21, 2009 and eventually returned "Unable to Forward". On November 3, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and eventually returned "Unable to Forward". Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of September 16, 2009 required the Respondent to bring the property into compliance thirty (30) days from the hearing date or be assessed a daily fine of One Hundred Fifty (\$150.00) Dollars and an Administrative Fee of One Hundred Fifty (\$150.00) was also imposed.
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred Fifty (\$150.00) Dollars continues to accrue as of October 16, 2009. As of the November 18, 2009 Certification of Lien Intent hearing, the daily fine of One Hundred Fifty (\$150.00) Dollars has accrued

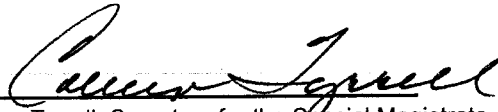
for thirty-four (34) days to a total of Five Thousand One Hundred (\$5,100.00) Dollars and continues to accrue and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still due and owing. Therefore, Special Magistrate certifies fines for the daily fine of One Hundred Fifty (\$150.00) Dollars that continues to accrue until compliance is gained and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars that is still due and owing.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:

  
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:

  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KM-00039**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

**International Studio Apts Assoc. Inc.  
Attn: Diane Hothan, Condo Assoc. Pres.  
1480 S. Ocean Blvd. Apt. 110  
Lauderdale-By-The-Sea, FL 33062**

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: May 20, 2009

VIOLATION(S): No Permit to remodel mailroom & No permit for electrical work done to shed/storage area.  
CODE SECTION: F.B.C 105 (1)

An Administrative hearing was held before the Special Magistrate on May 20, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**1480 S. Ocean Boulevard, Lauderdale-By-The-Sea, FL 33062** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-00-0430

At the hearing held on this matter on May 20, 2009 the Petitioner Town presented testimony by Code Compliance Officer Kimberly Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams cited the property on January 12, 2009 with a compliance date of February 12, 2009. Officer Williams presented photos that were taken on May 20, 2009 that accurately depicts the condition of the property the day of the hearing. Officer Williams spoke to the President of the Association and advised that because it was a commercial property, they needed to get a contractor to pull the permits and finish the work that was started. Officer Williams requested that the Respondent be given 60 days from the hearing date to bring the property into compliance. Respondent Diane Hothan, President of the condo association was present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION F.B.C 105 (1).

IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AND REQUESTED THAT THE RESPONDENT BE GIVEN SIXTY ( 60 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN SIXTY ( 60 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE SCHEDULED TIMEFRAME, A ONE HUNDRED ( \$100.00 ) DOLLAR FINE PER DAY WOULD COMMENCE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 20<sup>TH</sup> day of May, 2009 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

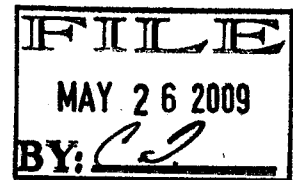
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308





**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KM-00039**

**International Apt. Assn. Inc.  
C/o Diane Hothan, President  
1480 S. Ocean Blvd., #110  
Lauderdale-By-The-Sea, Florida 33062**

**Respondent(s).**

\_\_\_\_\_ /  
The above referenced case was heard on May 20, 2009. Compliance was gained on November 17, 2009 and Respondent did appear at the hearing. Special Magistrate ordered the Respondent 60 days to bring the violation into compliance and imposed a fine of One Hundred (\$100.00) Dollars per day for the period of non-compliance.

The property located at 1480 S. Ocean Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9306-00-0430, was brought into compliance, however, the fine of One Hundred (\$100.00) Dollars that accrued for one hundred twenty-one (121) days for the period of non-compliance is still owed. Final Order was mailed May 26, 2009 and a signed return receipt was received. On September 30, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date October 21, 2009. Respondent was present at the hearing and was granted a continuance to the next Code hearing scheduled for November 18, 2009 with fines accruing. A second Certification of Lien Intent was sent by Certified Mail for the hearing date November 18, 2009 and a signed return receipt was received.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of May 20, 2009 required the Respondent to pay a fine of One Hundred (\$100.00) Dollars per day if compliance was not gained by July 20, 2009.

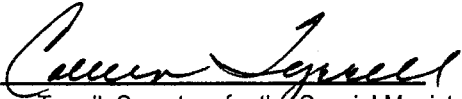
2. The Respondent has continued to violate the Order of May 20, 2009 by not paying the fine of One Hundred (\$100.00) Dollars per day that accrued for one hundred twenty-one (121) days for the period of non-compliance that totals Twelve Thousand One Hundred (\$12,100.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the fine totaling Twelve Thousand One Hundred (\$ 12,100.00 ) Dollars for the one hundred twenty-one (121) days of non-compliance. Total amount owed is Twelve Thousand One Hundred (\$ 12,100.00 ) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.

4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of November, 2009.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

**Special Magistrate of the  
Town of Lauderdale-By-The-Sea**

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Respondent: **International Apt. Assn. Inc./ Diane Hothan Pres.** Page 2 of 2

Case # **09-KM-00039**